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January 15, 2008

BY HAND DELIVERY

Honorable Richard J. Howell
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007-1312

Re: Steven Riley v. The City of New York, et al.,
07 CV 11399 (RJH)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of the City of New York.¹ In that capacity, I write with the consent of plaintiff's counsel, Steven Hoffner, Esq., to respectfully request a sixty-day enlargement of time, from January 9, 2008 until March 10, 2008, within which defendant City of New York may answer or otherwise respond to the complaint. From a review of the docket sheet, it appears that defendant City's answer was due on or about January 9, 2008. In this regard, I apologize to the Court and to plaintiff for seeking an enlargement of time after the date defendant's answer was due. I was only just assigned to the case. This is the first request for an enlargement of time.

The complaint alleges that plaintiff's residence was unlawfully entered and searched on January 29, 2007, that plaintiff was falsely arrested/detained, and subsequently maliciously prosecuted. In addition to the City of New York, plaintiff names New York City Police Detective Jose Morales and an unidentified New York City police officer as defendants. Before we can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. An enlargement of time will allow this Office to forward to plaintiff for execution an authorization for the release of records sealed pursuant to New York Criminal

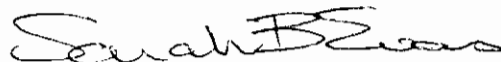
¹ This case has been assigned to Assistant Corporation Counsel Brian Francolla, who is presently awaiting admission to the bar, and is handling this matter under supervision. Mr. Francolla may be reached directly at (212) 788-0988.

Procedure Law § 160.50. Pursuant to that statute, all records concerning the arrest and prosecution of plaintiff were sealed by court order upon the termination of the criminal action in favor of plaintiff. Accordingly, City defendant requires this enlargement so that this Office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill our obligations under Rule 11 of the Federal Rules of Civil Procedure.

Moreover, we must ascertain whether Detective Morales has been served with the summons and complaint.² If service has been effectuated, then pursuant to Section 50-k of the New York General Municipal Law, this Office must determine, based on a review of the case, whether we may represent Detective Morales. Detective Morales must then decide whether he wishes to be represented by this Office. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864 - 65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). If so, we must obtain Detective Morales' written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,



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² Upon information and belief, Detective Morales has not been served with a copy of the summons and complaint in this action or requested representation from the Office of the Corporation Counsel, and therefore is not a defendant in this action. Without making any representations on behalf of Detective Morales, it is respectfully requested that, in the event he was served, his time to respond to the complaint similarly be enlarged so that his defenses are not jeopardized while representational issues are being decided.